

Regular Session, 2012

SENATE BILL NO. 531

BY SENATOR PEACOCK

TRESPASS. Provides for forfeiture of and payment to landowners for wildlife killed in the course of trespass on private property. (8/1/12)

AN ACT

To enact R.S. 14:63(G)(5), relative to criminal trespass; to provide relative to penalties for criminal trespass; to provide for forfeiture of and payment for the killing of wildlife in the course of a criminal trespass; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:63(G)(5) is hereby enacted to read as follows:

§63. Criminal trespass

* * *

G. The following penalties shall be imposed for a violation of this Section:

* * *

(5) In addition to the foregoing penalties, and notwithstanding any other law to the contrary, a person convicted under this Section who has killed or otherwise misappropriated any wildlife, as defined by R.S. 56:8, in the course of commission of the offense shall forfeit the misappropriated wildlife to the law enforcement authority, and may be ordered to pay the value of the misappropriated wildlife to the owner of the immovable property on which the offense was committed. The value of the wildlife that was misappropriated shall

be decided by the court, or by the jury in a jury trial, based upon evidence establishing the value beyond a reasonable doubt.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law provides the following penalties for conviction of criminal trespass:

1. For the first offense, a fine of between \$100 and \$500, or imprisonment for up to 30 days, or both.
2. For the second offense, a fine of between \$300 and \$750, or imprisonment for up to 90 days, or both.
3. For the third and subsequent offenses, a fine of between \$500 and \$1,000, or imprisonment for between 60 days and 6 months, or both, and forfeiture to the law enforcement authority of any property seized in connection with the violation.

Present law also provides that a person may be convicted of a second offense and any subsequent offenses, regardless of whether any prior conviction involved the same structure, watercraft, movable or immovable property and regardless of the time sequence of the occurrence of the offenses.

Proposed law retains present law, and adds that in addition to these penalties, a person convicted of criminal trespass who has killed or otherwise misappropriated any "wildlife, as defined by present law, in the course of commission of the offense must forfeit the misappropriated wildlife to the law enforcement authority, and may be ordered to pay the value of the misappropriated wildlife to the owner of the immovable property on which the offense was committed. Proposed law further provides that the value of the wildlife that was misappropriated is to be decided by the court, or by the jury in a jury trial, based upon evidence establishing the value beyond a reasonable doubt.

Present law defines "wildlife" as "all species of wild vertebrates."

Proposed law retains present law.

Effective August 1, 2012.

(Adds R.S. 14:63(G)(5))